

SENATE BILL 604

By Woodson

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 203 and Title 69, Chapter 3, Part 1,  
relative to stop work orders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by adding the following language as a new section thereto:

Section 69-3-140.

(a) The commissioner is authorized to issue stop work orders for activities that violate or will imminently violate the Water Quality Control Act, or threaten public safety in accordance with subsection (b). Stop work orders for coal mining or forestry shall continue to be regulated under Sections 69-3-139 and 69-3-133 respectively.

(b) In order to protect the public trust and investment in the waters of the state the commissioner may issue a stop work order to the responsible party. The stop work order shall specify those parts of the activities on site that are contributing to the pollution and must stop. Work shall cease immediately upon notice on the stop work order. The stop work order shall remain in effect until the department determines that the responsible party has installed or repaired all necessary measures to remedy the activity causing the condition of pollution so that further pollution associated with the activities will not occur and to comply with any permit requirements. Evidence of compliance must include at a minimum receipts and photographic evidence including proof of the date the photos were taken, or a site visit by qualified department personnel.

(c) Failure to comply with a stop work order issued pursuant to this section shall subject the responsible party to the penalties in § 69-3-115, but in no case shall be less

than twenty-five thousand dollars (\$25,000), plus the cost of remediation or other compensation for loss of public trust resources to the state.

SECTION 2. The commissioner shall issue a stop work order when a sample taken downstream of a site is one hundred (100) turbidity units or greater over the ambient or background level of such site. For sites on 303(d) listed streams impaired by sedimentation or habitat loss, the commissioner shall issue a stop work order when a sample taken downstream of the site is greater than the background level or discharge from the site exceeds water quality standards.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.